

REMARKS

Claims 1-19 are pending in the application. Upon entry of the present response, claims 1, 2, 5 and 12 will be amended. Entry of the present response, reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

In the Final Office Action, the Examiner objected to the drawings, asserting that Figs. 6 and 7 should be labeled as “Prior Art”, rather than “Conventional Art”, as shown in the replacement drawing sheets filed on December 12, 2007. Applicants have amended Figs. 6 and 7 to replace the “Conventional Art” legend with a “Prior Art” legend, and thus, request that the Examiner withdraw the objection.

In the Final Office Action, the Examiner objected to the amendment Applicants filed on December 12, 2007, asserting that it introduces new matter into the disclosure. Specifically, the Examiner asserted that the term “swaged” was not supported by the foreign priority document.

Applicants filed, with the December 12, 2007 amendment, a verified English language translation of two relevant paragraphs of International Application No. PCT/JP02/13729 (published as WO03/065492), one beginning at line 22 of page 7, and one beginning at line 3 of page 9. According to the translation, the lid 4 is joined to the open end of the outer case 2 by a fixing groove 13 that is formed by swaging.

The Examiner obtained two independent translations herself. The first translation the Examiner provides is a translation of selected lines of WO03/065492. Applicants wish to point out that these lines, page 7, lines 1-2, and page 9, lines 19-21, are not part of

the paragraphs which Applicants translated and provided. Thus, Applicants submit that this translation does not conflict with the translation Applicants provided.

As for the second translation, which is a translation of a paragraph of Japanese Patent Publication No. 2002-024253, Applicants note that this translation states that the immobilizing channel 13 is caulked from the external surface of the opening part of the outer case 2 to immobilize the outer case 2 and the cover 4. As Applicants previously discussed in the response filed on December 12, 2007, the term “caulking” is an inaccurate translation. This is recognized by one of ordinary skill in the art, as caulking an external surface of the outer case 2 clearly would not cause the immobilizing channel (fixing groove) 13 to be formed. Rather, one can appreciate that a more accurate translation is that the immobilizing channel 13 is formed by “swaging” the external surface of the outer case 2.

In view of the above, Applicants respectfully request that the Examiner enter the amendments to the specification which were included in the response filed on December 12, 2007.

In the Final Office Action, the Examiner rejected claims 5 and 12 under 35 U.S.C. §112, 1st paragraph as failing to comply with the written description requirement. Specifically, the Examiner asserted that the limitation “swaging” is not supported by the disclosure as originally filed. Applicants respectfully submit that the rejection is inappropriate, in view of the above discussion of the amendments to the specification. Nevertheless, in order to advance the prosecution of the present application to issue, Applicants have removed the term “swaging” from claims 5 and 12, and accordingly, request that the Examiner withdraw the rejection.

In the Final Office Action, the Examiner rejected claims 2, 4 and 13-15 under 35 U.S.C. §102(b) as being anticipated by Terashi (Japanese Patent Publication No. 2000-340210). Alternatively, the Examiner rejected claims 2, 4 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Terashi.

Applicants' claim 2, as currently amended, recites a battery which includes, inter alia, an electrode assembly including a positive electrode plate and a negative electrode plate. Core materials of the positive and negative electrode plates are bared at ends of the electrode assembly. The battery also includes a lid. The lid contacts and is welded to the bared portion of the core material of one of the electrode plates.

Terashi discloses a battery which includes an electrode object 2, an obturation plate 11, a current collection section 5 and a current collection member 4. The electrode object 2 includes a positive electrode 21 and a negative electrode 23, and the current collection member 4 includes a monotonous section 43 and a tab section 42. See, e.g., Figure 1 of Terashi, and paragraphs [0013] – [0017] of the English language translation of Terashi.

In the Final Office Action, the Examiner asserts that Terashi's lid (obturation plate 11) may be read as being welded to a bared portion of an electrode plate of the electrode object 2, because Terashi's lid 11 is welded to the tab section 42, and the monotonous section 43 is welded to the current collection section 5. Applicants respectfully disagree.

Although a connection is formed between Terashi's lid 11 and electrode object 2 by welding the lid 11 and electrode object 2 to the intermediate parts (tab section 42, monotonous section 43 and current collection section 5), Applicants respectfully submit

that Terashi's lid 11 is not welded directly to the electrode plates of the electrode object 2. Applicants further submit that Terashi's lid 11 does not contact an electrode plate of the electrode object 2, as recited in Applicants' amended claim 2. Rather, as shown in Fig. 1 of Terashi, the lid 11 is spaced apart from the electrode object 2, and connected via tab section 42, monotonous section 43 and current collection section 5.

Thus, Applicants respectfully submit that Terashi fails to disclose or suggest a battery which includes an electrode assembly including a positive electrode plate and a negative electrode plate, and a lid, where core materials of the positive and negative electrode plates are bared at ends of the electrode assembly, and the lid contacts and is welded to the bared portion of the core material of one of the electrode plates, as recited in Applicants' claim 2.

As explained in Applicants' specification (see, for example, page 5, line 24 to page 6, line 1), an advantage of such a battery is that the number of components and weld points are reduced, a cost reduction is achieved, and battery power output is improved.

For at least these reasons, Applicants respectfully submit that the invention recited in Applicants' claim 2 is neither anticipated by nor obvious over Terashi, and thus, request that the Examiner withdraw the rejections under 35 U.S.C. §§102(b) and 103(a), and allow claim 2.

Applicants submit that claims 4, 13-15 and 19 are also in condition for allowance, in view of their dependency from claim 2.

In the Final Office Action, the Examiner rejected claims 1, 3, 6-8, 10, 11, 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Terashi in view of Marukawa (U.S. Patent No. 5,900,332).

Applicants' claim 1, as currently amended, recites a battery which includes, inter alia, an electrode assembly including a positive electrode plate and a negative electrode plate. Core materials of the positive and negative electrode plates are bared at ends of the electrode assembly. The battery also includes a lid. The lid contacts and is welded to the bare portion of the core material of one of the electrode plates of the electrode assembly.

As discussed above, Terashi fails to disclose or suggest a battery which includes an electrode assembly including a positive electrode plate and a negative electrode plate, and a lid, where core materials of the positive and negative electrode plates are bared at ends of the electrode assembly, and the lid contacts and is welded to the bared portion of the core material of one of the electrode plates. Applicants submit that Marukawa also fails to disclose or suggest these features.

Thus, Applicants submit that the invention recited in Applicants' claim 1 is not obvious over the combined teachings of Terashi and Marukawa, and thus, request that the Examiner withdraw the rejection under 35 U.S.C. §103(a) and allow claim 1.

Applicants submit that claims 3, 6-8, 10, 11, 17 and 18 are also in condition for allowance, in view of their dependency from claim 1.

In the Final Office Action, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Terashi in view of Marukawa, and further in view of Ikoma (U.S. Patent No. 5,663,007), rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Terashi in view of Ikoma, and rejected claims 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over Terashi in view of Marukawa, and further in view of Tucholski (U.S. Patent Application Publication No. 2002/0031705) and the American Heritage Dictionary.

Applicants respectfully submit that Ikoma, Tucholski and the American Heritage Dictionary fail to overcome the above-noted deficiencies of Terashi and Marukawa, and thus, respectfully submit that claims 5, 9, 12 and 16 are in condition for allowance, in view of their dependency from claims 1 and 2.

Based on the above, it is respectfully submitted that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

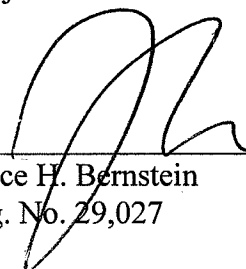
Entry of the present response, reconsideration of the outstanding Office Action and allowance of the present application and all of the claims therein are respectfully requested and believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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